

Administrative Regulation

Instruction

AR 6159.2

Nonpublic, Nonsectarian School And Agency Services For Special Education

Placement and Services

***Note: As amended in Register 99, No. 13, 5 CCR 3060 and 3061 specify new requirements regarding special education classes offered in nonpublic, nonsectarian schools and agencies. These requirements detail the staffing requirements for instructors, including the credentials that instructors must hold; the eligibility requirements for such credentials; and the number of instructors required per school or agency. Pursuant to 5 CCR 3064, the California Department of Education may issue conditional certifications to allow agencies and schools time to comply with the new requirements. ***

Procedures specified in law shall govern the selection of appropriate nonpublic school or agency services.

***Note: Additional requirements related to contracts and personnel with nonpublic schools or agencies are specified in Education Code 56366 and 56366.3. ***

Contracts with a nonpublic school or agency shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student. Individual services agreements shall be for the length of time for which nonpublic, nonsectarian school services are specified in the student's individualized education program (IEP), not to exceed one year. Changes in educational instruction, services or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)
(cf. 6159 - Individualized Education Program)

The master contract shall specify the general administrative and financial agreements between the nonpublic, nonsectarian school or agency and the district to provide the special education and designated instruction and services, as well as transportation specified in the student's IEP. The administrative provisions of the contract shall also include procedures for recordkeeping and documentation, and the maintenance of school records by the contracting district to ensure that appropriate high school graduation credit is received by the student. The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school. (Education Code 56366)
(cf. 3541.2 - Transportation for Students with Disabilities)

Note: The nonpublic school or agency must be certified as meeting state standards pursuant to Education Code 56366. Contracts may be terminated for cause with 20 days' notice; however, the availability of a public education program initiated during the period of the contract cannot give cause for termination unless the parent/guardian agrees to transfer the student to the program.

Note: Pursuant to Education Code 56366, as amended by SB 933 (Ch. 311, Statutes of 1998), the master contract must also include the following information.

The master contract shall include a description of the process being utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether the student is making appropriate educational progress. (Education Code 56366)

Note: The remainder of this section specifies district requirements upon the placement of a student in a nonpublic, nonsectarian school or agency.

The district IEP team shall annually review the IEP of a student placed in a nonpublic, nonsectarian school or agency. The student's IEP and contract shall specify the review schedules. (5 CCR 3068)

Note: The following paragraph is for use by elementary school districts.

The Superintendent or designee of an elementary school district shall notify a high school district of all students placed in nonpublic school or agency programs prior to the annual review of the IEP for each student who may transfer to the high school district. (5 CCR 3068)

When a special education student meets the district requirements for completion of prescribed course of study and adopted differential proficiency standards as designated in the student's IEP, the district which developed the IEP shall award the diploma. (5 CCR 3069)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

Out-of-State Placements

Note: Government Code 7572.55 and Welfare and Institutions Code 362.2 and 727.1, as amended by SB 933 (Ch. 311, Statutes of 1998) relate to the out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court. Such placements may be made only after in-state alternatives have been considered and found not to meet the child's needs.

Before contracting with a nonpublic, nonsectarian school or agency outside California, the Superintendent or designee shall document the district's efforts to find an appropriate program offered by a nonpublic, nonsectarian school or agency within California. (Education Code 56365)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the district's efforts to locate an appropriate public school or nonpublic, nonsectarian school or agency within California. (Education Code 56365)

If the district decides to place a student with a nonpublic, nonsectarian school or agency outside the state, the district shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)

(6/94 6/95) 6/99

ADOPTED: January 11, 2006
REVIEWED: February 4, 2008

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